

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

TSYDEA MCDAVID

*Plaintiff,*

vs.

HOUSTON INDEPENDENT SCHOOL  
DISTRICT

*Defendant.*

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§  
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§  
§

Civil Action No. \_\_\_\_\_

**APPENDIX**

Exhibit	Description
1	Docket Sheet for Cause No. 1165761, <i>Tsydea McDavid v. Houston Independent School District</i> , In the County Court at Law of Harris County, Texas
2	Plaintiff's Original Petition and Application for Temporary Restraining Order, Temporary and Permanent Injunction, and Additional Request for Relief (March 3, 2021)
3	List of Parties and Counsel

# EXHIBIT 1

County Civil

Case Number

1165761

Court

All

Status

-All

File Date (From)

MM/DD/YYYY

File Date (To)

MM/DD/YYYY

SEARCH

CLEAR

☒ Party ☐ Attorney ☐ Company

Last Name

First Name

Bar Card Number

File Date (From)

MM/DD/YYYY

File Date (To)

MM/DD/YYYY

SEARCH

CLEAR

8 Record(s) Found.

Case	File Date	Type Desc	Subtype	Style	Status	Judge	Court	View All
1165761	03/03/2021	OTHER CIVIL CASE		TSYDEA MCDAVID VS HOUSTON INDEPENDENT SCHOOL DISTRICT	Open	GEORGE BARNSTONE	1	Parties <a href="#">Court Settings</a>
Event Date	Event Desc	Comments				Pgs		
03/17/2021	Original Petition Citation Issued	P/UP CABINET CRT 1				Original Petition Citation		1
03/17/2021	Precept Issued	P/UP CABINET CRT 1				Precept		1
03/16/2021	Letter	REQUEST FOR SERVICE				T. McDavid Precept Request.pdf		1

03/16/2021	Citation to Be Issued	REQUEST FOR SERVICE	T. McDavid Service Request.pdf	1
03/16/2021	Notice of Hearing		T. McDavid NOH (1).pdf	2
03/08/2021	Notice of Hearing		T. McDavid NOH.pdf	2
03/03/2021	eFile Original Petition	& APPLICATION FOR TEMPORARY RESTRAINING ORDER, TEMPORARY & PERMANENT INJUNCTION, AND ADDITIONAL REQUEST FOR RELIEF	Ty. McDavid Original Petition and Application for TRO Injunction and Other Relief.pdf	26
03/03/2021	Original Petition (OCA)			

## CIVIL Court Settings

Case Number

1165761

Court No

All

Session Date (From)

MM/DD/YYYY



Session Date (To)

MM/DD/YYYY



Session Type(s):

All

SEARCH

CLEAR

3 Record(s) Found.

Crt	Case	Style	Hearing Type Hearing Results	Session Date Cancel Date Reason	View	Pgs	Document Name
1	<a href="#">1165761</a>	TSYDEA MCDAVID VS HOUSTON INDEPENDENT SCHOOL DISTRICT	STATUS CONFERENCE/INTENT TO DISMISS	6/25/2021 9:30AM	<a href="#">Parties</a>	1	<a href="#">Status Conference/Notice of Intent to Dismiss Crt 1</a>
1	<a href="#">1165761</a>	TSYDEA MCDAVID VS HOUSTON INDEPENDENT SCHOOL DISTRICT	TEMPORARY RESTRAINING ORDER	3/17/2021 9:30AM 3/16/2021 10:27:23 AM Per Movant	<a href="#">Parties</a>		
1	<a href="#">1165761</a>	TSYDEA MCDAVID VS HOUSTON INDEPENDENT SCHOOL DISTRICT	TEMPORARY RESTRAINING ORDER	3/31/2021 9:30AM	<a href="#">Parties</a>		

## EXHIBIT 2



**OFFICE OF TENESHIA HUDSPETH**  
COUNTY CLERK HARRIS COUNTY, TEXAS  
COUNTY CIVIL COURTS DEPARTMENT

**Docket Number: 1165761**  
**Receipt Number:     Date:     Sheriff/Constable Fee: \$**

TSYDEA MCDAVID

**Plaintiff**

**VS.**

HOUSTON INDEPENDENT SCHOOL

DISTRICT

**Defendant**

County Civil Court at Law No. 1

201 Caroline #500

Houston, TX 77002

**Received**

**MAR 22 2021**

**THE STATE OF TEXAS**  
**PRECEPT**

**HISD Legal Services**

**To Any Sheriff or Constable or Authorized Person of the State of Texas.....Greeting:**

You are hereby commanded that you serve **HOUSTON INDEPENDENT SCHOOL DISTRICT** through its registered agent **CATOSHA WOODS** of **4400 WEST 18TH ST., HOUSTON, TEXAS 77092** with accompanying copy of see attached **NOTICE OF HEARING**

**SEE ATTACHED**

Who resides in the County of **HARRIS** and the State of **TEXAS**.

Issued and given under my hand and the seal of said court, at Houston, Texas, on this 17th day of March, 2021

(Seal)

Teneshia Hudspeth, County Clerk  
County Civil Court at Law No. 1,  
201 Caroline, Suite 300  
Harris County, Texas

A handwritten signature in black ink, appearing to read "Jesse Salas", written over a horizontal line.

Jesse Salas  
Deputy County Clerk

Requested By:

RANDALL BELT-SPENCER  
800 TOWN AND COUNTRY BLVD STE 500  
HOUSTON TX 77024

**NOTICE: THIS DOCUMENT  
CONTAINS SENSITIVE DATA.**

**CAUSE NO. 1165761**

<b>TSYDEA MCDAVID</b>	§	<b>IN THE COUNTY COURT</b>
	§	
<b>VS</b>	§	<b>AT LAW #1</b>
	§	
<b>HOUSTON INDEPENDENT SCHOOL DISTRICT</b>	§	<b>OF HARRIS COUNTY, TEXAS</b>
	§	

**Notice of Hearing**

The Application for Temporary Restraining Order, Temporary and Permanent Injunction and Additional Request for Relief in the above-named case is set for hearing on March 31st, at 10:00 a.m. via Zoom in the courtroom of the County Court of Law #1 District Court of Harris County, Texas.

Login in with Zoom: ([www.Zoom.com.us](http://www.Zoom.com.us))

Meeting ID: 592 794 4638



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Staci Childs



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Randall Belt-Spencer

**Certificate of Service**

I certify that a true copy of this document was served in accordance with Rule 21a of the Texas Rules of Civil Procedure on the following on March 8, 2021.

Catosha Woods by electronic filing manager at [cwoods@houstonisd.org](mailto:cwoods@houstonisd.org).



A handwritten signature in black ink, appearing to be 'Staci Childs', with a long horizontal line extending to the right.

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Staci Childs  
Attorney for Plaintiff

A handwritten signature in black ink, appearing to be 'Randall Belt-Spencer', with a long horizontal line extending to the right.

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Randall Belt-Spencer  
Attorney for Plaintiff



**OFFICE OF TENESHIA HUDSPETH**  
COUNTY CLERK, HARRIS COUNTY, TEXAS  
COUNTY CIVIL COURTS DEPARTMENT

**Docket Number: 1165761**

**Receipt Number:     Date:     Sheriff/Constable Fee: \$**

TSYDEA MCDAVID

**Plaintiff**

**VS.**

HOUSTON INDEPENDENT SCHOOL DISTRICT

**Defendant**

In The County Civil Court at Law No. 1

201 Caroline #500

Houston, Tx 77002

**THE STATE OF TEXAS**

**PLAINTIFF'S ORIGINAL PETITION AND APPLICATION FOR TEMPORARY RESTRAINING ORDER,  
TEMPORARY AND PERMANENT INJUNCTION, AND ADDITIONAL REQUEST FOR RELIEF**

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To:     HOUSTON INDEPENDENT SCHOOL DISTRICT  
         C/O REGISTERED AGENT: CATOSHA WOODS  
         4400 WEST 18TH ST.  
         HOUSTON, TEXAS 77092

Attached is a copy of petition.

This instrument was filed on the **3rd day of March, 2021**, in the above cited cause number and court. The instrument attached describes the claim against you.

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the county clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

Issued and given under my hand and the seal of said court, at Houston, Texas, on this 17th day of March, 2021

(Seal)

Teneshia Hudspeth, County Clerk  
County Civil Court at Law No. 1  
201 Caroline, Suite 300  
Harris County, Texas 77002

A handwritten signature in black ink, appearing to read "Jesse Salas", written over a horizontal line.

Jesse Salas

Deputy County Clerk

Requested

RANDALL BELT-SPENCER

By:

800 TOWN AND COUNTRY BLVD STE 500

HOUSTON TX 77024

**NOTICE: THIS DOCUMENT  
CONTAINS SENSITIVE DATA.**

**CAUSE NO. 1165761**

<b>TSYDEA MCDAVID</b>	<b>§</b>	<b>IN THE COUNTY COURT</b>
	<b>§</b>	
<b>VS</b>	<b>§</b>	<b>AT LAW</b>
	<b>§</b>	
<b>HOUSTON INDEPENDENT SCHOOL DISTRICT</b>	<b>§</b>	<b>OF HARRIS COUNTY, TEXAS</b>
	<b>§</b>	

**PLAINTIFF'S ORIGINAL PETITION AND APPLICATION FOR TEMPORARY  
RESTRAINING ORDER, TEMPORARY AND PERMANENT INJUNCTION, AND  
ADDITIONAL REQUEST FOR RELIEF**

Plaintiff, Tsydea McDavid, files against Defendant this original petition and application for temporary restraining order and files this temporary and permanent injunction against Defendant, Houston Independent School District.

Plaintiff, Tsydea McDavid, also files against Defendant request for disclosures.

**Jurisdiction**

1. The damages sought in this suit are within the jurisdictional limits of the Court. As required by Rule 47, Texas Rules of Civil Procedure, Plaintiff states that Plaintiff seeks only monetary relief of \$250,000 or less, excluding interest, statutory or punitive damages and penalties, and attorney's fees and costs.

**Venue**

2. Venue is proper in this county in that the events giving rise to this cause of action occurred within Harris County.

**Plaintiff**

3. This Petition is filed by Tsydea McDavid. Tsydea McDavid's address is 11002 Bellbrook Dr Houston, TX 77096. The last three digits of Tsydea McDavid's driver's license number are 842. The last three digits of Tsydea McDavid's Social Security number are 860.

### **Defendant**

4. Defendant, Houston Independent School District, is a Texas entity and Defendant may be served with process by serving Catosha Woods, its registered agent, by certified mail, return receipt requested, addressed to the registered office located at 4400 West 18<sup>th</sup> St., Houston, Texas, 77092.

5. This Court has jurisdiction over Houston Independent School District because said Defendant is a resident of Texas.

### **Discovery Control Plan**

6. Under Texas Rule of Civil Procedure 190.3, Plaintiff plans to conduct discovery under Level 2 and affirmatively pleads this suit is not governed by the expedited actions process Rule 169 of the Texas Rules of Civil Procedure because Plaintiff seeks injunctive relief.

### **Facts**

7. On or around June 2017, upon transferring to Michael E. DeBakey High School (“DeBakey”) in Harris County, Texas, Tsydea McDavid, by and through her parent, Tyishka McDavid, notified the school of Tsydea McDavid’s successful completion of Algebra 1, Spanish I and IPC at Westbury Christian School.

8. On June 5, 2017, DeBakey reached out to Annette Turner, a representative from Westbury Christian School, who confirmed Tsydea McDavid’s successful completion of the above-mentioned courses.

9. Despite verbal confirmation from the staff at Westbury Christian School, DeBakey refused to accept these grades without an official transcript. DeBakey was informed that due to pending litigation, Westbury Christian School would not release an official transcript at that time.

10. DeBakey failed to acknowledge the completion of these courses and required Tsydea McDavid to re-sit for the classes already taken at Westbury Christian School.

11. On July 3, 2018, following a successful suit against Westbury Christian School, the school was ordered to release the official transcript which Tyishka McDavid immediately furnished to DeBakey.

12. Upon receipt of these transcripts, and after sitting in courses at DeBakey, that had already been taken at Westbury Christian School for the 2017-2018 school year, DeBakey proceeded to fail to acknowledge the successful completion of the above-named courses.

13. While taking these courses, Tsydea McDavid along with her peers, received inadequate instruction resulting in mass failure.

14. Tsydea McDavid was diagnosed with stress-induced Irritable Bowel Syndrome. This medical condition arose as a result of the severe mental stress and anguish caused by her attempts to successfully complete the repeated courses at issue with little to no staff assistance or intervention.

15. As a result of her diagnosis, Tsydea McDavid qualified for 504 accommodations. However, designated staff at DeBakey continuously failed to meet the requirements specifically required by Tsydea McDavid's tailored 504 plan, resulting in grades that were administered inappropriately.

16. Tyishka McDavid, made several attempts to mitigate these issues by following protocols required by the Houston Independent School District. Tyishka McDavid has attempted and exhausted all remedial options allotted by the Houston Independent School District including Level 1, 2 and 3 grievances and several attempts at mediation, to no avail.

17. On February 5, 2021, Tsydea McDavid received a rejection letter for admission into University of Hawaii at Manoa. Tsydea McDavid also received a rejection notice for her application for admission to University of Nebraska.

#### **Application for Temporary Restraining Order**

18. Plaintiff asks the Court for the below specific injunctive relief:

- a. Immediate removal of duplicate courses on Tsydea McDavid's DeBakey High School transcripts. These courses include Algebra I, Spanish I and IPC;
- b. Change of Plaintiff's Algebra II Semester 1 grade of 56 to a grade of 75 for failure to provide a progress report;

- c. Change of Plaintiff's Algebra II Semester 2 grade of 67 changed to a passing grade of 75 for failure to follow the 504 accommodation – imputing major test grades in within one week of administration;
- d. Change of Plaintiff's Geometry A Semester 1 grade of 66 to a passing grade of 75 for failure to follow the 504 accommodation as written and agreed to;
- e. Change of Plaintiff's, Geometry B Semester 2 grade of 39 to a passing grade of 75 for both Geometry A&B for failure to follow the 504 accommodation as written and agreed to; and
- f. Release of Tsydea McDavid's DeBakey-specific transcripts

19. Plaintiff's application for a specific temporary restraining order is statutorily authorized under Texas Civil Practice & Remedies Code Section 65.011 (1) and (3). Plaintiff is entitled to relief which requires the restraint of prejudicial acts to Plaintiff. Plaintiff is also entitled to a writ of injunction under the principles of equity and the statutes of this state relating to injunctions. If equitable relief is not granted, it is likely that Plaintiff will not be able to recover relief that adequately or fairly compensates the Plaintiff for missed and continued opportunities for college admittance.

20. Plaintiff is likely to recover from Defendant after a trial on the merits. Texas Education Code § 28.0214 states that “an examination or course grade issued by a classroom teacher is final and may not be changed unless the grade is arbitrary, erroneous, or not consistent with the school district grading policy applicable to the grade, as determined by the board of trustees of the school district in which the teacher is employed.” In this case, the duplicate courses issued by DeBakey are both arbitrary and erroneous. The grades distributed by Westbury Christian School were appropriate and correct and should be reflected as such.

21. Furthermore, Texas Education Code, § 28.022(a)(3) requires that districts, at least once every three weeks, or during the fourth week of each nine-week grading period, give written notice to a parent or legal guardian of a student's performance in a foundation subject if the student's performance in the subject is consistently Unsatisfactory. DeBakey failed to provide the student with a progress report for Cycles 1 and 2. Secondly, both the teacher and student are required per HISDs guidelines to sign for the progress report indicating receipt. To date,

DeBakey has failed to provide a progress report nor supporting documentation of a return progress report that includes a signature page with Tsydea's signature.

22. If this Court does not grant this request to restrain the Defendant, the Plaintiff will continue to suffer imminent and irreparable harm in that Tsydea McDavid's collegiate prospects will continue to be significantly diminished.

23. Probable injury requires a showing that the harm is imminent, the injury would be irreparable, and the applicant has no other adequate legal remedy. *Henderson v. KRTS, Inc.*, 822 S.W.2d 769, 773 (Tex. App. -Houston [1st Dist.] 1992, no writ). Plaintiff has satisfied these requirements.

24. There is insufficient time to serve notice on Defendant and to hold a hearing on this petition and application because Tsydea McDavid is presently applying to colleges that require her DeBakey-specific transcripts and use of accurate GPA as a significant factor for admissions.

25. Plaintiff is making attempts to provide notice to the defendant by notifying legal counsel so that a hearing may be held on this application. However, because Plaintiff's action is imminent, if no hearing can be held, the Court has authority pursuant to TEX.R. CIV. P. 680 to issue a temporary restraining order without a hearing.

26. Plaintiff's verified application for a temporary restraining order is supported by the following exhibits:

27. Exhibit A: Affidavit from Tsydea McDavid

28. Exhibit B: Affidavit from Tyishka McDavid, parent of Tsydea McDavid

29. Exhibit C: Letter from Westbury Christian School regarding transfer of grades

30. Exhibit D: Current High School Transcript

31. Exhibit E: 504 Plan

### **Request for Temporary Injunction**

32. Plaintiff asks the Court to set this application for temporary injunction for hearing and to issue a temporary injunction against Defendant after hearing.

**Request for Permanent Injunction**

33. Plaintiff asks the Court to set this request for permanent injunction for a full trial on the merits and to issue a permanent injunction against Defendant after the trial.

**Request for Disclosure**

34. Plaintiff requests under Rule 194 of the Texas Rules of Civil Procedure that Defendant, within 50 days of the service of request, disclose the information or material specifically described in Rule 194.2.

**Conditions Precedent**

35. Plaintiff confirms that all conditions precedent to Plaintiff's claim for relief have been performed or have occurred.

**Prayer**

Plaintiff prays that the Court will cite Defendant to appear and answer and that Plaintiff be awarded a judgment against Defendant, on final trial, as follows:

Temporary restraining order, temporary injunction, and permanent injunction of removal of duplicate courses and the grades associated with the courses on Tsydea McDavid's DeBakey High School transcripts and the issuance of Tsydea McDavid's DeBakey-specific transcripts.

Plaintiff further prays that the Court will grant actual damages of \$25,000 for medical expenses, tutorial costs, attorney's fees, prejudgment and postjudgment interest, all costs of Court, and for all other relief to which Plaintiff is entitled both in equity and law.

Respectfully submitted,

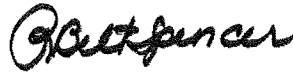
RMH Law Firm PLLC  
800 Town and Country  
Suite 500  
Houston, TX 77024



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Email: attorneystacichilds@gmail.com



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Email: rmhlawfirm@gmail.com

**Notice of Hearing**

The above Motion is set for hearing on \_\_\_\_\_, at \_\_\_\_\_ in the  
courtroom of the \_\_\_\_\_ District Court of Harris County, Texas.



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Staci Childs



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Randall Belt-Spencer

**VERIFICATION**

**STATE OF TEXAS** §

**COUNTY OF HARRIS** §


BEFORE ME, THE UNDERSIGNED AUTHORITY, on this day personally appeared  
the person known by me to be Tsydea McDavid who, after being by me duly sworn, testified as  
follows:

"My name is Tsydea McDavid. I am over 18 years of age, and I am competent to testify to these matters. I have personal knowledge of all facts stated in the above Original Petition and Application for Temporary Restraining Order and all such facts are true and correct."

  
014356A0010227A054

Tsydea McDavid, Affiant

SUBSCRIBED AND SWORN TO before me on March 2, 2021.

  
Notary Public



**Certificate of Service**

I certify that a true copy of this document was served in accordance with Rule 21a of the Texas Rules of Civil Procedure on the following on March 2, 2021.

Catosha Woods by electronic filing manager at cwoods@houstonisd.org.



Staci Childs  
Attorney for Plaintiff



Randall Belt-Spencer  
Attorney for Plaintiff

## EXHIBIT A

**AFFIDAVIT**

**STATE OF TEXAS**

**§**

**COUNTY OF HARRIS**

**§**

BEFORE ME, THE UNDERSIGNED AUTHORITY, on this day personally appeared the person known by me to Tsydea McDavid who, after being by me duly sworn, testified as follows:

“My name is Tsydea McDavid, I am over 18 years of age, I am competent to make this affidavit and I have personal knowledge of the matters stated herein and they are true and correct.

“When I got to DeBakey I knew there would be a shift from middle school to high school, but I did not expect to be met with inadequate teaching, both mental and physical health changes, and teachers and administrators who were completely insensitive to students with unseen disabilities. When I started at DeBakey in the fall of 2017 I had a sense of accomplishment just because I got into the school, and was at a school I believed would deepen my affinity for healthcare and the sciences because of the opportunity to go on rotations and do labs in my junior and senior years, but I was stressed from the beginning because I was having to repeat three of the same high school classes I had taken in 8th grade. In 8th grade I took Spanish 1, IPC, and Algebra 1, where I discovered that I had test anxiety. I struggled with the DeBakey curriculum for these three classes partially because it was more difficult than when I had taken them at Westbury Christian, but also because I did not have any accommodations at the time. Because I had no accommodations and was under a significant amount of stress I developed severe situational anxiety and depression. Because I could not get my anxiety and depression under control, my health declined. I had severe abdominal, back and chest pains, and none of the specialists I went to could pinpoint what exactly was wrong with me internally, meaning that they also could not prescribe the correct medication. I can only do my best to convey how this affected my school work in that I was extremely discouraged with the state of my physical and mental health, and that school work and dealing with unresponsive teachers just made matters worse. The nurse did not take me seriously and told me that my abdominal pains were not realistic, that I could not possibly be nauseous because “my color was fine”, that my anxiety was

“all in my head” and that I needed to “just calm down,” and that “I only came to the nurses office to get out of taking my tests,” instead of acknowledging that my originally diagnosed situational anxiety, had manifested itself into every aspect of my life and was now affecting my physical health. This anxiety and depression brought severe emotional distress, that was now in every aspect of my life, not just school. When I tried to explain how I felt, and how my anxiety was affecting my work ethic and my grades, I was met with sarcasm and inconsideration, which only heightened my anxiety even more. I was able to get 504 accommodations in the late spring of 2018 shortly before the end of the year, but I honestly did not feel that this helped me gain any respect from my teachers for my mental health. If anything, I felt viewed as defective and like both Principal Perry and my other teachers had been proven correct in saying that “maybe DeBakey just is not the school for me.” The lack of accountability and change of action was truly repulsive. I failed one part of Algebra 1 so I had to take summer school classes, which felt extremely unfair being that DeBakey already had proof that I had taken, and done well in, all three of my high school classes at Westbury Christian so I never should have taken those classes for a second time to begin with. In my sophomore year, this situation with DeBakey just worsened. I got the same teacher for both my Geometry and Algebra 2 classes (Mr. Blagg). He proved multiple times to not only be unsure of the material he was teaching, but that he was also not respecting my 504 accommodations. I was able to go on to part B of Geometry because I had a 66, which was the requirement to do full course averaging. While I had him for the first semester of Algebra 2, there became a point where I found his teaching methods were not benefitting my learning style as a student so I went to an outside tutor that I had been using since freshman year. I went to tutoring, came back for my quiz, made a 92 which was the highest grade in the class on that quiz, and then he asked me if I had cheated. I felt completely disrespected and just in total disbelief that he would even ask me such a thing, instead of congratulating me for going and getting additional help that would better aid my anxiety in an assessment-style situation, and for doing well on the quiz. It’s as if he, along with other teachers and administrators at DeBakey, thought that because I had a history with anxiety, that that was all I would amount to in the future, and that I could only replicate poor grades in their classes (common thread being their classes and unchanged teaching styles). I was not the only student doing poorly in math and science classes (Geometry, Chemistry, and Algebra 2) during my sophomore year, so for all the blame to be placed on myself and my anxiety was highly

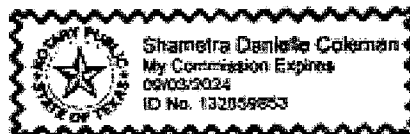
inappropriate. The counselors were not of much help either. My counselor, Mrs. Bilette, said she would help me schedule retake test times and help ensure that my accommodations would be met, but when I would try to go to her office or communicate with her via email, she would be unavailable or not respond, so she was of no help. For the Credit Recovery trailer course for Algebra 2A, I requested to be moved to Mrs. Jafferli's class because I did not see any reason for me to sit in a class under the same teacher that I did not pass the first semester with. While Mrs. Jafferli was an improvement of a teacher and was verbally more respectful of my anxiety, she (along with Mr. Blagg) gave me my tests one page at a time, which heightened my anxiety significantly because I had to finish all the questions on that page before I could move on with my test. Any good teacher knows that it is a basic test taking skill for a student to skip the question(s) they are having a difficult time with and then come back to try them again later. By doing this, I was stressed because I could not move on "because I had already seen questions from the DeBailey test question bank" and I was using up time that should have been able to be allotted to the other questions on my tests and quizzes. It was a violation of my rights as a student and my 504. I did not pass Geometry part B, Chemistry part B, and I had to take Algebra 2-part B, so I had to take all of those in summer school. I passed all three courses with high A's (94 in Chemistry B, 98 in Chemistry B, and 95 in Geometry B), which totally fulfilled the whole course averaging requirement to be able to return the following fall semester, but Principal Perry notified my mother that I was not allowed to come back because I had not met my growth plan requirements, when in fact I had. This was extremely unfair because many students whom I know personally did worse (numerically) in summer school than I did, and were still allowed to return in the fall. At this point, we sought legal advice and tried to pursue a case against DeBailey for wrongful termination of my magnet contract so that I would be able to return in the fall. But because this was all unsettled, I was left in limbo the entire summer, stressed and anxious once again because I did not know where I would be going to school in the fall. In addition to that, DeBailey had not given me all my credits for my summer classes, or my duplicate classes that I had taken in middle school (Algebra 1, Spanish 1, and IPC), meaning that there was a risk of me having to retake these classes at Bellaire (where I ended up going in the fall of 2019) and my GPA was inaccurate, and still is to this day. The entire summer I was stressed and anxious, and I wasn't even enrolled at DeBailey anymore; the DeBailey effect. I spent my junior year working twice as hard to raise my GPA to ensure that it was the correct

GPA required to get into colleges I was now looking at, these colleges were never the original ones I intended to apply to but I now had to reevaluate which colleges were within my (inaccurate) GPA range. The summer going into my senior year I was extremely stressed and anxious because I really did not think I would be accepted into any colleges I would enjoy, and I was having to come to the realization that I needed to take all AP classes my senior year to compensate for my GPA being so low, so that I could raise it enough to hopefully get accepted. Not one summer of my whole high school career has been my own because of my struggle at DeBakey. It is now two years since I have been at DeBakey and I am still being haunted by the inaccuracies and violations of my rights as a student with a 504 at that school, and I have not yet been met with any certainty about my academic future as a student."

  
Tsydea McDavid, Affiant

SUBSCRIBED AND SWORN TO before me on March 2, 2021

  
Notary Public



## EXHIBIT B



**AFFIDAVIT**

**STATE OF TEXAS** §

**COUNTY OF HARRIS** §

BEFORE ME, THE UNDERSIGNED AUTHORITY, on this day personally appeared the person known by me to be Tyishka McDavid who, after being by me duly sworn, testified as follows:

“My name is Tyishka McDavid, I am over 18 years of age, I am competent to make this affidavit and I have personal knowledge of the matters stated herein and they are true and correct.

“I am the parent of Tsydea D. McDavid. Tsydea was accepted to the magnet school DeBakey in August of 2017. During such time, we believed that we would continue through to 12th grade year and graduation. During Tsydea’s 9th grade year, I noticed significant irregularities within the instruction of the Algebra teacher, Ms. Norwood. These irregularities included high failure among students in her class, lack of returned and graded work for Tsydea to review her mistakes, and untimely graded work before the next test. The most notable irregularity was that Ms. Norwood was unable to spot any deficiencies that Tsydea had until after she had failed a test but not during the required homework grading. This was due in part to the systemic problem of the lack of required input of weekly grades. After, Tsydea had attended the mandatory mid-day tutorial, and I had several conversations, parent meetings and emails with Ms. Norwood concerning Tsydea’s performance, lack of improvement in Tsydea’s performance nor the class performance. I then turned to the principal Agnes Perry for a parent meeting. In this meeting, I addressed my concerns about the high failure rate, Tsydea’s performance and Ms. Norwood’s appraisal performance. Ms. Perry indicated the following: Ms. Norwood not only had

passed her yearly appraisal, but “there are other teachers who had higher failure rates than Ms. Norwood.” During this time, Tsydea is not only attending mid-day tutorials, but I secured a personal tutor for her to assist in the improvement of her math grades. At this point, it seemed very disingenuous that the leader of the school, Ages Perry, would allow such poor academic performance at a school that is supposed to be known for “academic excellence.”

I continued my investigation into the problem and also continued my efforts to assist Tsydea in improving her grades in math. By this time, Tsydea has begun her 10th grade year and is enrolled in Algebra II with a first-year teacher Mr. Matthew Blagg. During Cycle 1, Mr. Blagg failed to put in grades until the last day of the cycle, and he had only assigned one homework grade for an entire six-week cycle. Yet he was able to administer test without any apparent instruction nor practice for the students. During his first 504 meeting with me on October 30, 2018, Mr. Blagg failed to mention nor provide any evidence of Tsydea’s poor performance in his class. Moreover, he failed to provide a required progress report by the third week of the cycle which would have been due around October 18, 2018. He then fails Tsydea for the first cycle. We continue to email back and forth, and I attend a parent teacher conference with him to discuss Tsydea’s performance. He was unable to provide any of Tsydea’s graded work with feedback nor any plausible explanation as to how he arrived at an evaluative grade that substantiated her grade in his class. Now clearly after this Cycle 2 has passed and he failed to provide a progress report, I asked the assistant principal in attendance - Raul Saldivar - at this meeting to change her grade. His response was that “That time has passed and that we should just move on.” This continued and blatant disregard for following district guidelines became quite exhaustive, time consuming and stressful for both Tsydea and myself. More of the same continued in Mr. Blagg’s class - high failure rate and Tsydea’s poor performance. Again, the

principal Agnes Perry does nothing. Upon closer investigation, I discovered that the DeBakey curriculum for Algebra I and Geometry A&B were not being followed according to the **approved and written** guidelines for these courses. I reached out to the Director for Secondary Math for HISD, Allyssa Howell, and she graciously provided me the **approved and written** curriculum by week and month for Algebra I, II and Geometry A&B. Once she provided me with the direct link to these curricula within HISD's own district guidelines, I was able to see not only the differences between the written curriculum that Tsydea was subjected to versus the **approved and written** curriculum guidelines written for the state of Texas. Because the DeBakey curriculum did not 1) allow enough time for the student to learn the information, 2) did not allow enough significant learning activities/practice to retain the information 3) the teachers were not required to provide handwritten corrective ongoing feedback, it explained the mass failure rate. The **approved and written** HISD curriculum, on the other hand, provided not only the significant time to teach the required elements over a period of time, but it allowed for more practice before quizzes and examinations. At this point, I requested through Open Records the Grade Distribution list for all Algebra I, Algebra II and Geometry A & B courses for the years 2017-2019. I specifically requested the failure rate in these courses. What I received in return was the Grade Distribution List for **all** math courses at DeBakey High School. This information confirmed that it was not Tsydea who had fundamental math issues as Ms. Perry tried to impress upon me, but it revealed that the school as a whole and the Math department as a whole had a high failure rate for the two years in question. Because it was clear the principal Perry was opposed to making any changes in how she ran her school and the horrific failure rate, I filed a Level I grievance, and rejected its findings not to change Tsydea's grades. I filed a Level II, grievance and I reached out to her boss SSO Edward Dale Mitchell who is over the North

District. By the time of this February meeting, I had been informed Mr. Mitchell about my concerns about the massive failure rate, the lack of graded and returned work by Mr. Blagg. I also informed him about my Open Record request and that I would receive my request within 10 days. I also informed him that I would share the findings with him once I received them. I emailed him the findings of the Open Records request of the Grade Distribution List. He assured me that he would conduct an investigation into Mr. Blagg's classroom performance. I rejected Mr. Mitchell's Level II findings and filed a Level III grievance with the HISD Board. It is clear that I rejected the Board findings in the face of overwhelming evidence that the HISD administration and staff at DeBakey continue to violate its own district guidelines and hurt students and families. Much time, energy and stress have consumed both Tsydea and myself concerning this four-year unresolved situation. Now it has become quite punitive that she is receiving rejection letters to universities. She is being rejected based off of false information on her transcript and she is being denied the right to apply for scholarships that she should qualify for but will not receive because inaccurate information on her transcript and an inaccurate GPA."

Configured by:  
  
 Tyisha McDavid, Affiant

SUBSCRIBED AND SWORN TO before me on March 1, 2021

Notary Public



## EXHIBIT C



WESTBURY  
CHRISTIAN  
SCHOOL

July 3, 2018

To Whom It May Concern,

I am writing this letter in reference to Tsydea McDavid-Anderson a student at Westbury Christian School during the 2016-2017 school year. She has successfully completed the following courses for high school credit. They are as follows:

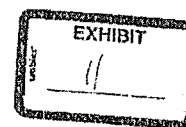
Course	Grade	Credit
Algebra IA	83	0.5
Algebra IB	81	0.5
IPC A	84	0.5
IPC B	81	0.5
Spanish IA	89	0.5
Spanish IB	88	0.5

Please accept this letter to ensure the proper credit as is also documented in our official transcript. If further information is needed please contact us at (713) 551-8100.

Sincerely,

Michael D. White

Head of School



Westbury Christian School • 10420 Hillcroft, Houston, Texas 77096 • westburychristian.org • 713.551.8100

HISD 268

## EXHIBIT D

## Bellaire High School

## AAR Transcript

## Student Information

Tsydoa Dawn N McDavid

11002 Bellbrook Dr

Houston TX 77096

Parent/Guardian: Ty McDavid

Fed Ethnicity &amp; Race Not Latino/Hispanic Black or African American

Student No 1974338

Birthdate: October 21, 2002

Gender: Female

ID: 5414875596

Entered 9th Grade: 2017

Entered 9th Grade: 2017

Bellaire High School

5100 Maple St

Bellaire TX 77401

Phone: (713) 667-2064

Fax: (713) 295-3763

CBCC 440557

## School Information

School No: 101912002

Date

Official Signature

## Schools Awarding Credit

16/17 101121001 Westbury Christian School

18/19 101912019 Worthing High School

17/18 101912026 Michael E. DeBaKey High School for He: 18/19 101912026 Michael E. DeBaKey High School for He:

19/20 101912002 Bellaire High School

## Course Information

## Language Arts

Year	Course Name	S1	S2	CR
17/18	ENG 1 A Q	81		0.5
	ENG 1 B Q		73	0.5
18/19	ENG 2 A Q	75		0.5
	ENG 2 B Q		78	0.5
19/20	APENGLAN A P	81		0.5
	APENGLAN B P		86	0.5

## Speech

Year	Course Name	S1	S2	CR
17/18	COMMAPP	93		0.5

## Mathematics

Year	Course Name	S1	S2	CR
16/17	ALG 1 A J	83		0.5
	ALG 1 B J		81	0.5
17/18	ALG 1 A Q	70		0.0
	ALG 1 B Q		61	0.0
18/19	ALG 2 B-R	98		0.5
	GEOM B-R	95		0.5
	ALG 2 A	56		0.5 Y
	ALG 2 A-R		67	0.0
	GEOM A	66		0.0
	GEOM B		39	0.0
19/20	PRE CALC A	75		0.5
	PRE CALC B		88	0.5

## Science

Year	Course Name	S1	S2	CR
16/17	IPC A J	84		0.5
	IPC B J		81	0.5
17/18	BIO A Q	77		0.5
	BIO B Q		74	0.5
	IPC A Q	81		0.0
	IPC B Q		68	0.0
18/19	CHEM B-R	94		0.5
	CHEM A	70		0.5
	CHEM B	66		0.0

## Social Studies

Year	Course Name	S1	S2	CR
17/18	W GEO A Q	78		0.5
	W GEO B Q		80	0.5
18/19	WHIST A	81		0.5
	WHIST B		85	0.5
19/20	US HIST B	91		0.5
	APUSHIST A P	77		0.5

## Health

Year	Course Name	S1	S2	CR
19/20	HLTH ED	95		0.5

## PE/Equivalent

Year	Course Name	S1	S2	CR
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17/18	PEFOUND	96	0.5
18/19	PEAOA	90	0.5
	PEAA	96	0.5
19/20	SUBMB A	100	0.5

## Other Languages

Year	Course Name	S1	S2	CR
16/17	SPAN 1 A J	89		0.5
	SPAN 1 B J		88	0.5
17/18	SPAN 1 A	84		0.0
	SPAN 1 B		88	0.0
18/19	SPAN 2 A Q	76		0.5
	SPAN 2 B		88	0.5
19/20	SPAN 3 A K	85		0.5
	SPAN 3 B K		94	0.5

## Fine Arts

Year	Course Name	S1	S2	CR
19/20	MUS1BAND B		100	0.5

## Career Tech Education

Year	Course Name	S1	S2	CR
17/18	PRINHLSC A	94		0.5
	PRINHLSC B		84	0.5
18/19	HLTHSCIA	86		0.5
	HLTHSCI B		89	0.5
19/20	HRMGY	88		0.5
	PRINTECH A	93		0.5
	PRINTECH B		95	0.5

## Credits Earned

Credit	Total	22.50	State	22.50	Local	0.00
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## Test Information

STAAR EOC	Date	Score	Met
ENGLISH I	04/2018	4691	Y
ENGLISH II	04/2019	4579	Y
ALGEBRA I	04/2018	4412	Y
BIOLOGY	04/2018	4242	Y
US HISTORY			

## Foundation Endorsements

Endorsement	Completion Date
P - Public Services	
S - STEM	

Date of Class Rank: July 01, 2020

Rank: 479

Class Size: 791

Quartile: 3rd

Date of Graduation

Graduation Program Type: Foundation High School Program

Weighted Cum GPA: 2.8980

CPR

A passing grade is 70 or above. \*P=Pass \*F=Fail \*A=Audit W=PE Waiver

Officer Training

The following codes appear in the abbreviated course name column separated from the name by a colon: A=Tech-Prep Courses, C=Correspondence Courses, D=College Dual Credit, E=Credit by Exam, G=Gifted/Talented, H=Honors, I=International Baccalaureate Course, J=High School Course completed prior to grade 9, K=Pre-International Baccalaureate Course, L=Local Course Credit, M=Magnet Course, N=Night School, P=Advanced Placement Course, R=Summer School/Credit Recovery, V=Content modified by ARD, T=Credit Verification, X=Innovative Course, Z=Distance Learning. Refer to rules for appropriate use.

Codes prior to 2004/2005 year - S=Modified Content, Q=Pre-AP

Note: In the semester/credit columns NG\* / M = denied grade / credit = excessive absences 1st semester NG\* / N = denied grade / credit = excessive absences 2nd semester Y = Credit Awarded Based on Final Average

Gratbaur's Transcript Bellaire Transcript



## Bellaire High School

## AAR Transcript

Student Information				School Information			
<b>Tsydea Dawn N McDavid</b> 11002 Bellbrook Dr Houston TX 77096 Parent/Guardian Ty McDavid Fed Ethnicity & Race Not Latino/Hispanic Black or African American				Student No 1974338 Birthdate October 21, 2002 Gender Female ID 5414875596 Entered 9th Grade 2017 CBCC 440557			
Bellaire High School 5100 Maple St Bellaire TX 77401 Phone (713) 667-2064 Fax (713) 295-3763				School No 101912002 Date Official Signature			
<b>Schools Awarding Credit</b> 16/17 101121001 Westbury Christian School 17/18 101912026 Michael E. DeBakey High School for He 18/19 101912019 Worthing High School 19/20 101912002 Bellaire High School							
<b>Course Information</b>							
<b>Language Arts</b> Year Course Name S1 S2 CR 17/18 ENG 1 A Q 81 0.5 ENG 1 B Q 73 0.5 18/19 ENG 2 A Q 75 0.5 ENG 2 B Q 78 0.5 19/20 APENGLAN A P 81 0.5 APENGLAN B P 86 0.5				17/18 PEFOUND 96 0.5 18/19 PEAQA 90 0.5 PEAA 96 0.5 19/20 SUBMB A 100 0.5			
<b>Speech</b> Year Course Name S1 S2 CR 17/18 COMMAPP 93 0.5				<b>Other Languages</b> Year Course Name S1 S2 CR 16/17 SPAN 1 A J 89 0.5 SPAN 1 B J 88 0.5 17/18 SPAN 1 A 84 0.0 SPAN 1 B 88 0.0 18/19 SPAN 2 A Q 76 0.5 SPAN 2 B 88 0.5 19/20 SPAN 3 A K 85 0.5 SPAN 3 B K 94 0.5			
<b>Mathematics</b> Year Course Name S1 S2 CR 16/17 ALG 1 A J 83 0.5 ALG 1 B J 81 0.5 17/18 ALG 1 A Q 70 0.0 ALG 1 B Q 61 0.0 18/19 ALG 2 B R 98 0.5 GEOM B R 95 0.5 ALG 2 A 56 0.5 ALG 2 A R 67 0.0 GEOMA 66 0.0 GEOM B 39 0.0 19/20 PRE CALC A 75 0.5 PRE CALC B 88 0.5				<b>Fine Arts</b> Year Course Name S1 S2 CR 19/20 MUS1BAND B 100 0.5			
<b>Science</b> Year Course Name S1 S2 CR 16/17 IPC A J 84 0.5 IPC B J 81 0.5 17/18 BIO A Q 77 0.5 BIO B Q 74 0.5 IPC A Q 81 0.0 IPC B Q 68 0.0 18/19 CHEM B R 94 0.5 CHEM A 70 0.5 CHEM B 66 0.0				<b>Career Tech Education</b> Year Course Name S1 S2 CR 17/18 PRINHLSC A 94 0.5 PRINHLSC B 84 0.5 18/19 HLTHSCI A 86 0.5 HLTHSCI B 89 0.5 19/20 HRMGT 88 0.5 PRINTECH A 93 0.5 PRINTECH B 95 0.5			
<b>Social Studies</b> Year Course Name S1 S2 CR 17/18 WGEO A Q 78 0.5 WGEO B Q 80 0.5 18/19 WHIST A 81 0.5 WHIST B 85 0.5 19/20 US HIST B 91 0.5 APUSHIST A P 77 0.5				<b>Credits Earned</b> Credit Total 22 50 State 22 50 Local 0 00			
<b>Health</b> Year Course Name S1 S2 CR 19/20 HLTH ED 95 0.5				<b>Test Information</b> STAAR EOC Date Score Met ENGLISH I 04/2018 4691 Y ENGLISH II 04/2019 4579 Y ALGEBRA I 04/2018 4412 Y BIOLOGY 04/2018 4242 Y US HISTORY			
<b>PE/Equivalent</b> Year Course Name S1 S2 CR				<b>Foundation Endorsements</b> Endorsement Completion Date P - Public Services S - STEM			

Date of Class Rank July 01, 2020

Rank Class Size 791

Quartile

Date of Graduation

Graduation Program Type Foundation High School Program

Weighted Cum GPA 2.8980

CPR

A passing grade is 70 or above. \*P=Pass \*F=Fail \*A=Audit W=PE Waiver

Officer Training

The following codes appear in the abbreviated course name column separated from the name by a colon A=Tech-Prep Courses, C=Correspondence Courses, D=College Dual Credit, E=Credit by Exam, G=Gifted/Talented, H=Honors, I=International Baccalaureate Course, J=High School Course completed prior to grade 9, K=Pre-International Baccalaureate Course, L=Local Course Credit, M=Magnot Course, N=Night School, P=Advanced Placement Course, R=Summer School/Credit Recovery, V=Content modified by ARD, T=Credit Verification, X=Innovative Course, Z=Distance Learning Refer to rules for appropriate use

Codes prior to 2004/2005 year - S=Modified Content, Q=Pre-AP

Note in the semester/credit columns NG\* / M = denied grade / credit = excessive absences 1st semester NG\* / N = denied grade / credit = excessive absences 2nd semester Y=Credit Awarded Based on Final Exam

Westbury Christian - transferred in Perry states that they gave her credit for this in preparation

# EXHIBIT E

Houston Independent School District

Debra Kay Hs for Health Professions

3000 Sherwood St

Houston, TX 77021

Phone: (713) 741-2400 Fax: [SchoolFax]

Student Name: Tsydea Dawn McDavid-Amurson

Student ID: 1974338

## Section 504 Student Service Plan

## Section 504 Accommodations

## Reasonable Accommodations Necessary for the Child to be Successful in the General Education Curriculum

Physical Environment	
Preferential seating as determined by student and teacher	Instructional Environments
Instructional Materials	
Use of phone for taking picture of homework assignments	All instructional arrangements
May check out a hard copy of any available text book	All instructional arrangements
Instructional materials will be printed in 12 point font	All instructional arrangements
May record lectures	All instructional arrangements
Notes will be available through the HLB for student review	All instructional arrangements
Instructional Methods	
Teachers will refrain from the use of sarcasm	All instructional arrangements
Teachers will enter major grades into gradescope within a week of the date of administration	All instructional arrangements
Check for understanding	All instructional arrangements
Spot check math work with written explanatory feedback	Math classes
Notes will be available on HLB for student review	All classes
Assignments/Homework	
Extended time by one class day for homework without grade penalty	All instructional settings
Testing	
Extended time for all approved standardized testing (by .5)	All instructional settings
Small group testing for standardized test	All standardized assessments
When necessary student may have testing supervised individually by a counselor	Testing situations
Extended time (.5) for classroom testing	Classroom tests
Behavior	
Student may be permitted to report to the clinic and/or counselor's office when needed	All instructional arrangements

Houston Independent School District

DeBakey HS For Health Professions

3100 Sheppard Ave

Houston, TX 77021

Phone: (713) 741-2410 Fax: (713) 746-5211

Student Name: Tyson Devon McDavid-Anderson

Student ID: 1974118

## Section 504 Student Service Plan

## Section 504 Committee

Person Responsible for overseeing implementation of the 504 Service Plan:

S. Mulvaney

Position	Signature	In Agreement	Date
Student:			
Tyson Devon McDavid-Anderson	<i>DID NOT ATTEND</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Parent:			
Ty McDavid	<i>Ty McDavid</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	1-25-19
Chairperson:			
Sylvia Mulvaney	<i>Sylvia Mulvaney</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No	1-23-19
Administration:			
A. Perry	<i>A. Perry</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	1-23-19
Education:			
J. Hille	<i>J. Hille</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	1-23-19
Teacher:			
A. Jafarali	<i>A. Jafarali</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No	01/23/19
Nurse:			
D. Ali	<i>D. Ali</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	01/23/19
District 504 coordinator:			
C. Bryant	<i>C. Bryant</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	1-23-19
Parent Confirmation			

I certify that I am the parent or legal guardian of this child, have participated in the 504 meeting and development of this service plan, and have received a copy of my Section 504 Notice of Parent and Student Rights and Procedural Safeguards. I understand that when my child reaches the age of 18 all rights and procedural safeguards pursuant to Section 504 will transfer to the student.

Signature (Parent/Guardian or Adult Student)

Date

Documentation of Section 504 Review by Other Teachers not on Attendance

Signature

Date

Signature

Date

Signature

Date

Signature

Date

Signature

Date

Signature

Date

## EXHIBIT 3

**LIST OF PARTIES AND COUNSEL**

**Plaintiff:**      **Tsydea McDavid**

Attorneys:      Staci Childs  
State Bar No. 24115465  
[attorneystacichilds@gmail.com](mailto:attorneystacichilds@gmail.com)  
Telephone: (281) 713-3371  
Facsimile: (346) 770-2823  
Randall Belt-Spencer  
State Bar No 24116092  
[rmhlawfirm@gmail.com](mailto:rmhlawfirm@gmail.com)  
RHM LAW FIRM PLLC  
800 Town and County, Suite 500  
Houston, Texas 77024  
Telephone: (346) 236-4413  
Facsimile: (346) 770-2823

**Defendant:**      **Houston Independent School District**

Attorneys:      James E. Byrom  
State Bar No. 03568100  
[jbyrom@thompsonhorton.com](mailto:jbyrom@thompsonhorton.com)  
Stephanie A. Hamm  
State Bar No. 24069841  
[shamm@thompsonhorton.com](mailto:shamm@thompsonhorton.com)  
THOMPSON & HORTON LLP  
3200 Southwest Freeway, Suite 2000  
Houston, Texas 77027  
Telephone: (713) 554-6767  
Facsimile: (713) 583-8884